Single Bench

(3)

BEFORE THE HON'BLE HIGH COURT JUDICATURE AT BILASPUR CHHATTISGARH

W.P. No. 4432 OF 2004

PETITIONER : Smt. Anita Thawait w/o Shri Premprakash Thawait, aged about 35 years, occupation house wife r/o ward No.6, Nagar Panchayat Sarangarh, Distt. Raigarh (C.G.)

VERSUS

RESPONDENTS :
1. Chhattisgarh State Election Commission, Through Secretary, State Election Commission Chhattisgarh, Raipur
2. State Election Commissioner, State Election Commission Chhattisgarh Raipur.
3. Collector Cum-District Returning Officer Raigarh Chhattisgarh.

P.R. No. 4495/04 Presented by Shri K.Thakur dated 16/7/04

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WRIT PETITION UNDER ARTICLE 226/227 OF CONSTITUTION OF INDIA

(30)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No.4432/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	25.11.2004 Shri S.N.Nande, counsel for the petitioner. Shri P.K. Verma, Additional Advocate General for respondents/State. The petitioner has preferred this Writ Petition being aggrieved by the order dated 18/21 October 2004 (Annexure P-1) passed by the Secretary, Chhattisgarh State Election Commission, Raipur whereby the petitioner has been disqualified from contesting from the election for the post of President, Nagar Panchayat for a period of 5 years under Section 32 (c) of Chhattisgarh Nagar Panchayat Adhiniyam 61. The brief facts leading to filing of this Writ Petition are that the petitioner contested in the year 1999 elections of Nagar Panchayat, Sarangarh District Raigarh. The petitioner contested for the post of the President of Nagar Panchayat, Sarangarh and she lost this election result was declared on 27.12.1999. As per the clause-7 of Election (maintenance and lodging of account order 1997), the petitioner was required to submit the account of election expenses to District Election Officer within a period of 30 days from the date of the result. As the petitioner failed to submit the election expenses in compliance of the above provision, a show cause notice was issued to the petitioner by the Madhya Pradesh State Election Commission on 20.07.2000 for showing cause within 15 days as to why the accounts were not furnished and failing which the order will be passed against the petitioner.	

देखिये

XI-HC-22

(31)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No.4432/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित ~ 2~	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Accordingly, vide impugned order dated 18/20 October 2004, the petitioner has been disqualified and debarred for 5 years from contesting election for the President of Nagar Panchayat, as per the provision of Section 32 (c) of the Chhattisgarh Municipal Act 1961.

I have heard learned counsel for the petitioner.

Learned counsel for the petitioner submits that the petitioner, by mistake, inadvertently, furnished the account before the Returning Officer, instead of filing the same before the District Election Officer and after seeing the accounts of election expenses the Returning Officer returned the documents to the petitioner. The petitioner was required to submit the accounts before the District Election Officer. As soon as she received notice on 20.07.2000, she immediately submitted before the District Election Officer and as per the sub Section B of Section 32 (c), if a candidate shows good reason or justification for failure to submit the election account then the delay can be condoned and in this case the petitioner was not aware that she had to submit the accounts before the District Election Officer and she submitted the same before the Election Officer, therefore the petitioner is entitled to have the benefit of sub Section B of Section 32 (c) of the Chhattisgarh Municipal Act 1961.

I have perused the record and I find no substance in the argument of learned counsel for the petitioner. The counsel for the petitioner is not able to point out that after receiving the notice dated 20.07.2000 from the Madhya Pradesh State Election Commission when the accounts were submitted before the District

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP No. 4432/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Election Officer and even there is no application was filed by the petitioner before the District Election Officer or before the State Election Commission showing good reason and justification for not filing the accounts before the District Election Officer within the stipulated time. As such the petitioner has not been able to make out the case for relief under sub Section of Section 32 (c) of Chhattisgarh Municipal Act 1961. Therefore the petition of the petitioner is liable to be rejected and it is rejected.

Sd/-
L.C.BHADOO
Judge

[पीछे देखिये